

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, JULY 10, 2006  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Council President Peters at 2:03 p.m.

Council Member Faulconer wished to express thanks to the police, lifeguard, and paramedic personnel for their work at city beaches during the July Fourth weekend, where some 1.2 million visited. Mr. Faulconer also commended the Surfrider Foundation, Junior Lifeguards, freepb.com, and the Park and Recreation Department for their clean-up efforts after the Fourth of July holiday.

The meeting was adjourned by Council President Peters at 3:14 p.m. into Closed Session immediately following the regular meeting in the twelfth floor Committee Room to discuss existing and pending litigation matters.

**ATTENDANCE DURING THE MEETING:**

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-not present
- (8) Council Member Hueso-present
- Clerk-Maland (ek)

FILE LOCATION:                      MINUTES

ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-not present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES



ITEM-10: INVOCATION

Invocation was given by Reverend Bonnie Tarwater of the  
United Hills United Church of Christ.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Hueso.

FILE LOCATION: MINUTES

CLOSED SESSION:

**Conference with Legal Counsel - existing litigation, pursuant to California Government  
Code Section 54956.9(a):**

**CS-1 *City of San Diego v. D.R. Horton, et al*  
San Diego Superior Court Case No. GIC 777603-1**

**REFERRED TO CLOSED SESSION OF TUESDAY, JULY 11, 2006**

DCA assigned: L. FitzGerald

This case involves an eminent domain action brought to acquire property needed for State Route 56. In closed session, the Mayor's office will recommend settlement of this case.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:06 p.m. – 3:06 p.m.)

Council President Peters closed the hearing.

**CS-2 *City of San Diego v. Chapin*  
San Diego Superior Court Case No. GIC 863096**

**REFERRED TO CLOSED SESSION OF TUESDAY, JULY 11, 2006**

DCA assigned: C. Fitzgerald

This matter is a pending lawsuit filed by the City of San Diego against former deputy city attorney and SDCERS general counsel Loraine Chapin. The lawsuit alleges Ms. Chapin breached fiduciary duties and violated Government Code Section 1090. In closed session, a deputy city attorney will brief the Council on the status of the matter. The council also will consider a request by Ms. Chapin's counsel for dismissal of the case and if not, consideration of whether a defense should be provided under California Government Code Section 995.

**CLOSED SESSION COMMENT-1:**

Hud Collins urged the City Council to take up the discussion of indemnification and defense regarding this lawsuit.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:06 p.m. – 3:08 p.m.)

Council President Peters closed the hearing.

**CS-3 *San Diego City Employees Retirement System v. City of San Diego, et al.*  
San Diego Superior Court Case No. GIC841845**

**REFERRED TO CLOSED SESSION OF TUESDAY, JULY 11, 2006**

EACA assigned D. McGrath

This case was originally filed by SDCERS for declaratory relief. In closed session, the City Attorney will brief the Council on the status of the matter and request retention of Aleshire & Wynder, LLP as outside counsel to assist with pension roll back cases.

**CLOSED SESSION COMMENT-1:**

Hud Collins commented that the benefits that are the subject of this lawsuit will never be declared illegal.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:09 p.m. – 3:09 p.m.)

Council President Peters closed the hearing.

**CS-4 *Marcus R. Abbe, et al. v. City of San Diego, et al.*  
United States District Court No. 05 CV 1629**

**REFERRED TO CLOSED SESSION OF TUESDAY, JULY 11, 2006**

EACA assigned: D. McGrath

This matter is a class action filed by numerous police officers alleging violations of the memorandum of understanding with the City of San Diego. In closed session the City Attorney will brief the Council on the status of the matter and request retention of outside counsel in the matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:10 p.m. – 3:10 p.m.)

Council President Peters closed the hearing.

**CS-5 *Affordable Housing Coalition of San Diego County and Citizens for Responsible Equitable Environmental Development v. City of San Diego***  
**San Diego Superior Court Case No. GIC 857723**

**REFERRED TO CLOSED SESSION OF TUESDAY, JULY 11, 2006**

DCA assigned: M. Dickenson

This matter involves a Declaratory Relief action which challenges the City's pattern and practice of processing condo conversion applications. The City Attorney requests that the Mayor and City Council consider a possible settlement of this case in closed session.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:11 p.m. – 3:11 p.m.)

Council President Peters closed the hearing.

**CS-6 *Howard DeYoung, et al. v. City of San Diego, et al.* San Diego Superior Court**  
**Case No. GIC 849647**

**REFERRED TO CLOSED SESSION OF TUESDAY, JULY 11, 2006**

DCA assigned: J. Riley

This matter involves allegations that the City violated a 1984 settlement agreement regarding preferential tee-times at the Torrey Pines Golf Course. In closed session the City Attorney will brief the Council on the status of matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:11 p.m. – 3:11 p.m.)

Council President Peters closed the hearing.

**Public employment - performance evaluation, pursuant to California Government Code  
Section 54957(b)(1):**

**CS-7 Title: Independent Budget Analyst**

**REFERRED TO CLOSED SESSION OF MONDAY, JULY 10, 2006**

**CLOSED SESSION COMMENT-1:**

Carl DeMaio expressed appreciation for the excellent performance of the  
Office of the Independent Budget Analyst.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:11 p.m. – 3:13 p.m.)

Council President Peters closed the hearing.

**CS-8 Title: City Clerk**

**REFERRED TO CLOSED SESSION OF MONDAY, JULY 10, 2006**

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:14 p.m. – 3:14 p.m.)

Council President Peters closed the hearing.



[ITEM-200:](#) Mayor's Response to the San Diego County Grand Jury Report on Service  
Level Agreements, and City Council's Review and Adoption of Mayor's  
Response.

(See letter from Mayor Sanders dated 6/30/2006 and letter from City Attorney  
Aguirre dated 4/24/2006.)



**MAYOR SANDERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-1140) ADOPTED AS RESOLUTION R-301621, WITH DIRECTION

Accepting and adopting each and every recommendation and finding of the Mayor's Response.

**SUPPORTING INFORMATION:**

After a review of all the facts alleged in the April 21, 2006, County Grand Jury's report on the Service Level Agreements, the Mayor has prepared a response. Since the report calls for a separate response from City Council, it is recommended that the City Council review the Mayor's response and either join in the response or direct the City Attorney's Office to prepare a separate response on behalf of the City Council.

Gattas

Staff: Jeff Gattas - (619) 236-6980  
Catherine M. Bradley – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:43 p.m.)

MOTION BY ATKINS TO ADOPT WITH DIRECTION BY COUNCIL MEMBER FRYE THAT: 1) WITH RESPECT TO RECOMMENDATION 6-17, COUNCIL WILL WORK WITH THE MAYOR TO ENSURE THAT CITY POLICIES WILL HAVE COUNCIL OVERSIGHT AND APPROVAL FROM LAND- OR POSSESSORY - RIGHTS PURCHASES AMONG CITY DEPARTMENTS; 2) WITH RESPECT TO RECOMMENDATION 6-18, ENSURE THAT COUNCIL IS INFORMED WHEN A SERVICE LEVEL AGREEMENT EXCEEDS THE BUDGET PRICE; 3) WITH RESPECT TO THE FINDINGS UNDER RECOMMENDATION 6-21, TO WORK TO ENSURE THAT THE PLANNING DEPARTMENT, WATER DEPARTMENT, AND METROPOLITAN WASTEWATER DEPARTMENT WORK TOGETHER TO SEE THAT THESE ISSUES ARE ADDRESSED APPROPRIATELY IN THE GENERAL PLAN; AND 4) WITH RESPECT TO THE FINDINGS PURSUANT TO RECOMMENDATION 6-21, TO WORK TO ENSURE THAT THE WATER DEPARTMENT RECEIVES APPROPRIATE AND FAIR MARKET RENT PAYMENTS FOR ITS PROPERTY AT QUALCOMM STADIUM.

ACCEPT COUNCIL MEMBER ATKINS' RECOMMENDATION THAT THE MAYOR'S OFFICE DEVELOP AND REPORT TO THE COUNCIL, EITHER VIA THE BUDGET COMMITTEE, THE RULES COMMITTEE, OR DIRECTLY TO COUNCIL, THE FORMULATION OF A COMPREHENSIVE POLICY REGARDING ALL SERVICE LEVEL AGREEMENTS AND THAT THAT POLICY, AS STATED BY THE INDEPENDENT BUDGET ANALYST, SHOULD ESTABLISH A GUIDING PRINCIPLE BY WHICH SERVICE LEVEL AGREEMENTS ARE DEEMED TO BE APPROPRIATE, AND PROVIDE GUIDANCE ON HOW THEY SHOULD BE IMPLEMENTED AND BY WHAT MEANS THEY SHOULD BE MONITORED.

Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.



**ITEM-201:** Second Amendment to the FY 2006 Agreement with the San Diego Unified School District (District) regarding Funding for San Diego's "6 to 6" Extended School Day Program.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-1100) ADOPTED AS RESOLUTION R-301622, WITH DIRECTION

Authorizing the Mayor, or his designee, to enter into the Second Amendment to the FY 2006 Agreement between the San Diego Unified School District and the City of San Diego for the continued operation of San Diego's "6 to 6" Extended School Day Program (Program) for the period of July 1, 2005 through June 30, 2006;

Authorizing the City Auditor and Comptroller to accept \$23,123.10 in additional After School Education and Safety Program (ASESP) grant funds, and \$979,064.12 in additional 21<sup>st</sup> Century Community Learning Center (21<sup>st</sup> CCLC) grant funds, awarded to the City for the continued operation of the Program for the period of July 1, 2005 through June 30, 2006;

Authorizing the Mayor, or his designee, to enter into amendments to the FY 2006 agreements with existing "6 to 6" providers to expend the grant funds for the continued operation of the Program for the period of July 1, 2005 through

June 30, 2006, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to appropriate and expend the grant funds;

Authorizing the Mayor, or his designee, to distribute any unexpended ASEP and/or 21<sup>st</sup> CCLC grant funds remaining at the end of FY 2006 to "6 to 6" providers by December 31, 2006 on a pro rata basis (based on California Department of Education annual cumulative pupil attendance at each "6 to 6" school site), to be expended by the "6 to 6" providers for supplemental services at each school site.

**STAFF SUPPORTING INFORMATION:**

San Diego's "6 to 6" Extended School Day Program (Program) operates at a total of 132 grant-funded schools in FY 2006, which includes 126 District school sites and six faith-based school sites. Primary funding for the District school sites is from the After School Education and Safety Program (ASEP) and 21<sup>st</sup> Century Community Learning Center (21<sup>st</sup> CCLC) grant funds.

The City administers the Program at 118 of the 126 District school sites, and thus, is entitled to a three percent administrative charge deducted from the grant to cover related costs.

The FY2006 Agreement with the District awarded the City \$11,464,324 of ASEP and \$2,300,338 of 21<sup>st</sup> CCLC grant funds. The First Amendment to that Agreement reduced the ASEP grant amount by \$19,891. The Second Amendment, which was approved by the District School Board on May 23, 2006, will increase the ASEP grant amount by \$23,123, and increase the 21<sup>st</sup> CCLC grant amount by \$979,065.

Pursuant to California Senate Bill 854 (Chapter 555, Statutes of 2005), the per-student reimbursement rate for 21<sup>st</sup> CCLC grants was increased by fifty percent (from \$3.33 to \$5.00 per student, per day, for the Before-School Component, and from \$5.00 to \$7.50 per student, per day, for the After-School Component), resulting in the \$979,064 increase in the 21<sup>st</sup> CCLC grant allocation. In addition, the new legislation allows for the same number of students to be served as those prior to the reimbursement rate increase, pursuant to California Education Code Section 8484.8(i).

This action will authorize the City to further amend the FY2006 Agreement with the District, and to amend the current agreements with the "6 to 6" providers, until June 30, 2006. Any unexpended ASEP and/or 21<sup>st</sup> CCLC grant funds remaining at the end of FY2006 will be redistributed to the "6 to 6" providers by December 31, 2006 to fund supplemental services.

**FISCAL CONSIDERATIONS:**

Funds to be received by the City, on a reimbursement basis, from the ASEP and 21<sup>st</sup> CCLC grant allocations.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

R-300761, dated August 8, 2005 (authorizing the City Manager to enter into the FY2006 Agreement between the District and the City).

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

Not Applicable.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

Not Applicable.

Linares/Martinez

Staff: Edward Prendell - (619) 533-6512  
Michael D. Neumeyer - Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:43 p.m. – 2:51 p.m.)

MOTION BY YOUNG TO ADOPT WITH DIRECTION THAT THE MAYOR REVIEW THE RATIONALE OF FUNDING ALLOCATED TO MT. ERIE ACADEMY IN THE PAST, SINCE MT. ERIE WAS FUNDED FROM THE GENERAL FUND DIFFERENTLY COMPARED TO THE OTHER “6 TO 6” PROGRAMS. DIRECT THAT THE MAYOR STUDY THE FEASIBILITY OF FUNDING MT. ERIE FROM THE GENERAL FUND FOR THE REMAINDER OF THE YEAR SO THAT THE STUDENTS CAN COMPLETE THE SCHOOL TERM. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.



**ITEM-202:** Agreement with the San Diego Unified School District (District) for Fiscal Year 2007.

**STAFF’S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-1099) ADOPTED AS RESOLUTION R-301623

Authorizing the Mayor, or his designee, to enter into Agreement between the San Diego Unified School District and the City of San Diego for the operation of San Diego's "6 to 6" Extended School Day Program (Program) for the period of July 1, 2006 through February 28, 2007;

Authorizing the City Auditor and Comptroller to accept \$5,960,553.46 in After School Education and Safety Program (ASESP) grant funds, and \$1,097,338.83 in 21<sup>st</sup> Century Community Learning Center (21<sup>st</sup> CCLC) grant funds, awarded to the City for the operation of the Program for the period of July 1, 2006 through December 31, 2006;

Authorizing the City Auditor and Comptroller to accept \$131,350 in additional ASEP grant funds awarded to the City as reimbursement for the City's administrative service costs incurred in connection with the Program for the period of July 1, 2006 through February 28, 2007;

Authorizing the Mayor, or his designee, to enter into agreements with existing "6 to 6" providers to expend the grant funds for the operation of the Program for the period of July 1, 2006 through December 31, 2006, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to establish an interest-bearing fund for the grant funds;

Authorizing the City Auditor and Comptroller to appropriate and expend the grant funds.

**STAFF SUPPORTING INFORMATION:**

San Diego's "6 to 6" Extended School Day Program (Program) will operate at a total of 132 grant-funded schools in FY 2007, which includes 126 District school sites and six faith-based school sites. Primary funding for the District school sites is from the After School Education and Safety Program (ASESP) and 21<sup>st</sup> Century Community Learning Center (21<sup>st</sup> CCLC) grant funds. The City administers the Program at 118 of the 126 District school sites.

In FY 2007, the Program shall be transitioned from the City to the District by December 31, 2006. The City shall continue the management, administrative oversight, and operation of the Program through December 31, 2006, to allow the District sufficient time to hire administrative

staff, identify facility space, and assume the day-to-day administration and related functions of the Program.

The FY 2007 Agreement with the District will award the City \$5,960,553.46 and \$1,097,338.83 in ASEP and 21<sup>st</sup> CCLC grant funds, respectively, which the City shall use to pay "6 to 6" providers for the operation of the Program at 118 of the 126 District school sites from July 1, 2006 through December 31, 2006. This Agreement will also award the City an additional \$131,350 in ASEP grant funds as reimbursement for the City's administrative service costs incurred from July 1, 2006 through February 28, 2007.

Effective January 1, 2007, the District shall be responsible for the entire management, administrative oversight, and operation of the Program at all 126 District school sites. As a result, the District shall contract with the "6 to 6" providers to operate the Program from January 1, 2007 and forward. Under the FY 2007 Agreement, the City's only responsibilities in connection with the Program from January 1, 2007 through February 28, 2007 shall be to process monthly Program and fiscal reports from December 2006, to reimburse "6 to 6" providers for expenditures incurred in December 2006, and to provide technical assistance to District staff. Transferring the Program is consistent with the FY 2007 Budget adopted by the Council (refer to attached Memorandum dated April 14, 2006).

**FISCAL CONSIDERATIONS:**

The City will invoice the District monthly for all expenditures incurred during the term of the Agreement. This action authorizes the City Auditor and Comptroller to establish a new interest-bearing fund to record all revenues and expenditures during the term of the Agreement.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

Not applicable.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

Not Applicable.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

Not Applicable.

Linares/Martinez

Staff: Edward Prendell - (619) 533-6512  
Michael D. Neumeyer - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:51 p.m. – 3:05 p.m.)

MOTION BY ATIKINS TO ADOPT. Second by Hueso. Passed by the following vote:  
Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,  
Madaffer-not present, Hueso-yea.

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 7, 2006 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	6/16/2006	144	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	6/21/2006	139	Rules Committee review of ballot proposals
Monday	6/26/2006	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	7/10/2006	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	7/31/2006	99	Council adopts ordinances prepared by City Attorney

Friday	8/11/2006	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/24/2006	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4050.

**ITEM-251: Notice of Pending Final Map Approval – 4841 Del Monte Avenue.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4841 Del Monte Avenue” (T.M. No. 80986/PTS No. 84189), located on the west side of Del Monte Avenue between Cable Street and Sunset Cliffs Boulevard in the Ocean Beach Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.



**ITEM-252: Notice of Pending Final Map Approval – 4135 Texas Street Condominiums.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4135 Texas Street Condominiums” (T.M. No. 240720/PTS No. 97489), located on the east side of Texas Street between Polk Avenue and Howard Avenue in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-253: Notice of Pending Final Map Approval – 3910 Haines Street Condominiums.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “3910 Haines Street Condominiums” (T.M. No. 248517/PTS No. 101328), located on the northwest corner of Haines Street and Roosevelt Street in the Pacific Beach Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-254: Notice of Pending Final Map Approval – 1030 Robinson Avenue Condominiums.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “1030 Robinson Avenue Condominiums” (T.M. No. 225159/PTS No. 97161), located on the north side of Robinson Avenue between 10<sup>th</sup> Avenue and Vermont Street in the Uptown Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-255: Notice of Pending Final Map Approval – 3958 Iowa Street.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “3958 Iowa Street” (T.M. No. 200272/PTS No. 96083), located on the west side of Iowa Street between Lincoln Avenue and University Avenue in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-256: Notice of Pending Final Map Approval – 4377 Wilson Avenue.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4377 Wilson Avenue” (T.M. No. 219682/PTS No. 95862), located on the east side of Wilson Avenue between El Cajon Boulevard and Meade Avenue in the Mid-City: Normal Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-257: Notice of Pending Final Map Approval – 4567 Hawley Boulevard.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4567 Hawley Boulevard” (T.M. No. 239283/PTS No. 98239), located on the east side of Hawley Boulevard between Madison Avenue and Monroe Avenue in the Mid-City: Normal Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk

Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-258: Notice of Pending Final Map Approval – 5059 Niagara Avenue Condominiums.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “5059 Niagara Avenue Condominiums” (T.M. No. 86165/PTS No. 89739), located on the south side of Niagara Avenue westerly of Bacon Street in the Ocean Beach Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-259: Notice of Pending Final Map Approval – Swift Park.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Swift Park” (T.M. No. 235850/PTS No. 96988), located on the east side of Swift Avenue between El Cajon Boulevard and Meade Avenue in the Mid-City: Normal Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the

map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-260: **Notice** of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivision:

SUBDIVISION

COMMUNITY AREA

Carmel Valley Neighborhood 10 Units 1, 2, 3

Carmel Valley

The certification shall be recorded with the County Recorder 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director of Development Services or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-261: **Notice** of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivision:

SUBDIVISION

COMMUNITY AREA

Fenton Carroll Canyon

Camino Santa Fe

The certification shall be recorded with the County Recorder 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director of Development Services or to the

Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507),  
San Diego, CA 92101.

**ITEM-262: Notice of Completion and Acceptance of Subdivision Improvement Agreement.**

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivision:

**SUBDIVISION**

**COMMUNITY AREA**

Carmel Valley Neighborhood 10 North

Carmel Valley

The certification shall be recorded with the County Recorder 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director of Development Services or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

**REPORT OUT OF CLOSED SESSION:**

None.

**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

The meeting was adjourned by Council President Peters at 3:14 p.m.



**Minutes of the Council of the City of San Diego  
for the Regular Meeting of Monday, July 10, 2006**

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FILE LOCATION:

MINUTES

COUNCIL ACTION:

(Time duration: 3:14 p.m.)